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SUBJECT: FIRST USG/GOI MEETING ON SECURITY AGREEMENT
IMPLEMENTATION OF DETAINEES

Classified By: PMIN Robert S. Ford for reasons 1.4 (b) and (d).

¶1. (S) Summary: In the first meeting on implementation of the detainees article of the USG-GOI Security Agreement on December 10, the CG detailed the USG plan for releasing and/or transferring up to 1,500 detainees per month. Barham Saleh, the head of the existing GOI detention committee, promised to follow up immediately with a GOI plan for reviewing detainee case files and determining transition modalities for USG and GOI detention facilities. There were no Sunni Arab representatives in the meeting even though most of the detainees in question are Sunni Arabs. Some of the Iraqi participants indirectly questioned Sunni Arab demands that large numbers of Sunni detainees be released and not re-arrested by Iraqi forces upon release. Iraqi National Security Advisor Muwafaq Rubaie said the GOI would be asking for around 100 specific detainees per month to be released for national reconciliation purposes. The CG responded that the USG will not allow the process to be politicized. Shia Islamist MP Hadi Al-Amiri said that the number of detainees released should be calibrated so as not to allow the security situation to degrade. Interior Minister Bulani noted that an intelligence and judicial review would be needed on each detainee case file, and he was doubtful the Iraqi system could process 1,500 cases per month as the U.S. was considering. We are not exactly sure of the future function of this detainee committee chaired by Saleh. NSA Rubai'e told us on December 16 evening that the detainee subcommittee called for under the Security Agreement would not be the one chaired by Saleh.
End Summary.

¶2. (SBU) The first meeting on releasing and transferring Coalition-held detainees as prescribed in the Security Agreement was held on December 10 at Deputy Prime Minister Barham Saleh's residence. Saleh, the head of the existing GOI's inter-ministerial committee on detentions, led the meeting on the GOI side. Attendees included Minister of Interior Jawad Bulani, National Security Advisor Muwafaq Rubaie, Chief Justice Medhat Al-Mahmoud, Chief Prosecutor Ghadanfer Al-Jassem, Chairman of the Council of Representative's (COR) Security and Defense Committee Hadi Al-Ameri (ISCI/Badr), Deputy Minister of Interior MG Ayden, and other representatives from those offices. The USG was represented by the CG, Pol MinCouns, DCG, and Task Force 134 (TF134) Commanding General.

¶3. (SBU) There were no Sunni Arabs at the meeting. Deputy Chair of the COR's Security and Defense Committee Abdul Kareem Al-Samaraee (IIP) and Deputy Chair of the COR's Human Rights Committee Harith Al-Obeidy (IIP) usually come to Barham's detention meetings, and were invited, but were out of the country. There was also no representation from the Ministry of Justice (MoJ), Ministry of Defense, Ministry of Foreign Affairs, or Ministry of Human Rights (MoHR) due to travel schedules.

USG Plan for Detainee Releases

14. (S) CG and TF134 CG detailed the USG plan for detainee release and transfer according to the SOFA. CG emphasized USG determination to ensure that the process will be orderly, safe, and not politicized. The USG will abide by the Geneva conditions above all other factors throughout the process. CG noted that the USG has concerns over the conditions and capacity of the GOI detention facilities, specifically noting that there are not nearly enough Iraqi Correction Officers to Qthat there are not nearly enough Iraqi Correction Officers to meet the needs of the current GOI detention population and any transferred detainees from Coalition custody. As of January 1, TF134 will have approximately 15,000 detainees in custody, including around 2,000 that have been convicted by Iraqi courts or with Iraqi criminal charges and awaiting trial.

15. (S) Specifics of the USG plan: TF134 will give 1,500 names at a time to the GOI beginning on December 15 for the GOI to screen as it chooses. TF134 will begin releasing 1,500 detainees per month on February 1. The GOI will have 45 days to review the first 1,500 files and 30 days for subsequent releases. The GOI will need to decide how it will review the 1,500 names; it has the option to conduct an intelligence review and judicial review of each case. If the GOI has nothing incriminating against the detainees in the group, those detainees will be released starting the following month. TF134 will begin with detainees that are considered less dangerous. There has already been an internal security review of all 15,000 detainees; approximately 10,000 have been deemed to be low-threat. Those 10,000 would preferably be released before the 5,000

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high-threat detainees.

16. (S) Regarding TF134 facilities, the USG plan is to close Camp Bucca, where the majority of detainees are held, by the summer of 2009. The facility in Taji will be completed, initially stood up and operated by the USG, then turned over to the GOI by December 09. The future of Camp Cropper is still undecided; the current plan is to make it a joint facility in the FY10 timeframe. Saleh expressed interest in transferring Bucca to the GOI and asked that this option be kept open.. CG agreed to discuss the fate of Bucca at a later time.

GOI Plans for Detainee Releases

17. (S) Saleh thanked the CG for the plan and promised to return to the next detainees meeting (to be held soon) with a GOI plan based on the USG plan. He said there were three issues that had to be decided: the fate of detainees and how the GOI will review the cases; the fate of USG detention facilities; and how to increase the capacity of GOI detention facilities. He emphasized the importance of this issue and said it must be done quickly and safely. Chief Justice Medhat agreed, stating that the Higher Judicial Council (HJC) would do all it could to do this quickly and with no negative repercussions. Barham added that the GOI would set up teams immediately to work out all the issues with the USG and said he may send teams to Bucca and Cropper to facilitate the process of review and release.

18. (S) Minister Bulani expressed concern about the time it would take to conduct the necessary review of case files for 15,000 detainees and said the GOI would be unable to fully review 1,500 files per month. For the high-threat detainees, he recommended a joint committee to review each file in detail. Saleh said that although the Prime Minister wanted to see substantially more releases than 1,500 per month, he did not think it would be possible to release more. On December 7, Medhat told TF134 that it would take too long to

conduct a judicial and intelligence review of the case files and recommended that TF134 release the first 10,000 without the lengthy reviews. The GOI would review each case file for the 5,000 most dangerous detainees.

No Politicization of the Detainee Release Process

¶9. (S) Muwafaq Rubaie said the plan for detainee release and transfer had to be a joint plan; the GOI needed to provide input to the plan in order to incorporate GOI concerns. He said that although it was important to not politicize the process, the GOI had to work on national reconciliation. The GOI would thus recommend certain people, about 100 per month, be released from American detention for "reconciliation purposes." With grumblings of disagreement audible from Interior Minister Bulani and parliamentarian Hadi al-Amri, Deputy Prime Minister Saleh interjected that the release process fundamentally could not be made political. The CG emphatically told Rubaie that the USG will not allow politicization of the process.

¶10. (S) Influential Shia Islamist parliamentarian (and militia leader) Hadi Al-Amiri agreed, stressing the importance that releases be seen to take place based on legal procedures rather than political considerations. He said that 1,500 detainees do not have to be released per month if doing so would sacrifice security. He was concerned about how many of those released would be repeat offenders and how many of those released would be repeat offenders and asked for USG recidivism rates for Coalition detainees for ¶2008. Al-Amiri added that a criminal record would have to be entered in the MoI database for all released detainees. He stressed the need for the guarantor system and said by working with tribes and political parties, the GOI could further national reconciliation through that method. (Comment: Overall, al-Amiri's little side remarks in Arabic to his colleagues indicated he was in no hurry to release Sunni Arabs or Sadrists who now are in USG custody. End Comment.)

Comment

¶11. (S) The meeting reminded us about the concerns Sunni Arab leaders had throughout the Security Agreement negotiations. The Sunni Arab leadership was concerned that the Prime Minister would be biased against the Sunni Arabs in detention and either not facilitate large releases or

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re-arrest Sunni Arabs released from Coalition custody. The tone of the Iraqi Government leaders in the meeting was such that had Sunni Arab leaders been present the meeting likely would have been acrimonious at best. Many of those Shia and Kurdish figures present at the meeting voiced concern about the security situation and asked for a complete review of each case file in order to look for other criminal charges or warrants against those to be released. Their preoccupation with thorough vetting of every detainee's file contrasts sharply with the Sunni Arab political leadership's insistence on rapid releases as soon as possible. The one exception to the government officials' stance was the PM's advisor on national security Rubaie who was presumably mindful of the PM's outreach to the Sadrists, and said the GOI would demand that certain detainees be released. We will continue to encourage Saleh and other GOI leaders to include the Sunni Arab leaders in planning for implementation of detainee releases and transfers. Saleh himself acknowledged to us that Sunni Arab buy-in is vital if the detainee issue is not to further poison inter-communal relations in Iraq. Lastly, we are not exactly sure of the future function of this detainee committee chaired by Saleh. Rubaie told us on December 16 evening that the detainee subcommittee called for

under the Security Agreement would not be the one chaired by
Saleh

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